THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 823 of 2006

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DATED: 10-01-2006

Sanjeev Kapoor.

..... PETITIONER

AND

The A.P.Eastern Power Distribution Company Ltd., rep by its superintending Engineer (Assessments)
Visakhapatnam & 2 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. It is stated that the petitioner purchased flat No.101, Swagruha Coral apartments, Pandurangapuram, Visakhapatnam from G.V.K.Rao by way of a registered sale deed vide document No.969/2003. There is a service connection bearing No.114122 L.T.Category-I in respect of the said flat. It is further stated that on 28-10-2005 the Assistant Divisional Engineer-third respondent inspected the said flat and issued provisional assessment notice dated 19-11-2005 estimating the value of energy misused by the petitioner in respect of the said service connection at Rs.33,237/- and pending enquiry the petitioner was directed to pay 50% of the said amount i.e., Rs.16,618-50ps + Rs.50-00/- towards supervision charges within fifteen days from the date of receipt of the said notice.

3. As per Section 126 of the Electricity Act, 2003, (for brevity, 'the Act') reasonable opportunity shall be given to the petitioner to file his objections on the provisional

assessment notice and without considering the said objections the service connection of the said person cannot be disconnected.

4. Having regard to the facts and circumstances of the case, the petitioner is directed to file his objections within seven days from the date of receipt of a copy of this order and on such filing of the objections the respondents shall consider and dispose of the same in accordance with law. Till such time, the service connection cannot be disconnected for non-payment of the provisionally assessed amount.

5. With the above directions, the Writ Petition is disposed of. No order as to costs.

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(V.ESWARAIAH,J)

10th January, 2006.

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